BALPA

COMMENTS FROM BRITISH AIRLINE PILOTS ASSOCIATION

TO

FAA, WASHINGTON DC 20590

RE. 207 - MINUTES ETOPS APPROVAL CRITERIA

[Docket No. FAA-99-6717]

BALPA thanks FAA for making available the opportunity to comment on the proposal of ATA and ALPA to extend diversion time.

BALPA accepts and supports the need for establishing the safe extension of diversion time for suitably equipped and operated two-engined jet transport aircraft.

BALPA acknowledges and applauds the improvements that manufacturers have made to their products in response to the challenge of the ETOPS environment.

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Any proposal by the FAA for increasing diversion time should meet the following principles:

- Harmony with JAA
- Meets accepted Safety Criteria
- Complies with Rules

FAA/JAA Harmony

As yet although the FAA accept harmonisation to be an objective, if this proposal goes forward it will be a move further away from such harmony. The JAA have been developing the regulatory material for increasing diversion time beyond 180-minutes and seek participation with FAA in that process. If adopted, this unilateral proposal would not be in accord with the stated objective of the FAA to harmonise with the JAA. Balpa intends to press the JAA to consider 240-minute or unlimited ETOPS as being the only appropriate way to proceed from here. In the meantime,

Balpa cannot support this FAA proposal, which we consider premature at this stage; we can give an undertaking to review our position based on feedback from our colleagues in ALPA, International. We have already provided them, and in this document acquainted the FAA as well, with our reservations including stressing the need to limit the application of 207 minutes. We also look to the FAA to regard it as an interim, and temporary measure. We ask for Ifalpa to be a constituent member of the ARAC W/G, via the appropriate procedures.
We are pleased that the FAA has stated quite clearly that the business outcome is not of its concern. That it is purely a safety-based decision is to be applauded. We can only hope that this remains so in the future and will perhaps result in a change to FAA's stance on other issues. The extra time for public comment is noted and we hope that the soundness of argument will prevail over the weight of numbers in any debate.

The interests of the travelling public quoted by airline contributors, are a distraction and cannot be used in favour of the argument for granting 207 minutes, or even the desirability of such. The public interest is safety and economy of use. The public relies on bodies such as the FAA to act in their best interest to ensure that this order of priority is indeed the case. Bodies such as airlines and manufacturers are expected to act in the interest of their shareholders. This may well conflict with other objectives and thus the role of the FAA should be of referee and ensure that the correct priorities are followed by all participants, rather than promoting the issue as an enthusiastic supporter.

We agree that all long-range operations should be operated to at least a uniform level of safety (regardless of number of engines), and that there are many areas that need to be harmonised across all operations. It is with the best available current technology that safety and capability comparisons must be made.

The claim that 207 minutes is a logical extension (15%) of 180 minutes is less than convincing. That 207 minutes gives an additional degree of flexibility and is probably able to be carried out without either major change to an aircraft physically and without any statistical change to accident risk is a reasonably credible argument. We cannot deny that now we have additional in-service experience of the 777, some of the original assumptions can be seen to be conservative. Some claims however can be seen to be optimistic. After all, one never heard mention of a predicted auxiliary drive shaft failure, or turbine blade failures, as have occurred over the last few months on all, or some variants of the 777.

There should therefore be a full and thorough assessment of ETOPS Significant Systems to ensure their suitability for this extended diversion, as proposed by the UK CAA. The alternative proposed of numerical analysis alone, is felt to fall short of this and is felt to be poor practice, and smacks of commercial pressure for an early entry into operation overriding good safety common sense. The CMP MUST once more become a living

document able to be revised and enforced, to reflect the latest and best experience to ensure that the 207 minute fleet operates to the highest standards. The operation should not be based on a CMP issued at first certification, which may no longer reflect the best practice or current standards.

We feel that the TDA documentation should be a practical and legal limitation. It should define the maximum possible diversion time when applied in combination with a given CMP status. That the operator has it's own limitation which may be less than the TDA maximum is obviously logical and possible. It is not logical to permit an operator to have operational approval beyond that for which the aircraft is designed, or equipped. Thus the FAA must deal to logically approve the type before it can approve the operator. This may need a post certification modification to the aircraft and or its CMP to achieve the required status.

We agree with AECMA that the proposed IFSD rate is somewhat short of what the public might expect for what is, a pioneering challenge. As the FAA has stated, the actual IFSD is barely one third of the proposed allowable rate. Thus, we naturally assume that better than .019 is quite easily achievable. If the airline industry members were really serious about doing something for the public, they would at least give some re-assurance that they would expect to achieve .010.
We would expect the FAA to take positive action if this IFSD rate of .019 should be exceeded for any types in a configuration being used for 207 minutes.

Equipment requirements are generally good, but we strongly believe that if SAT phone required for dispatch, it should be on the list of essential equipment for back-up power supply.

We agree with the FAA that Class E cargo compartment issues are not directly related to the 207 minutes ETOPS issue.

As much as one would perhaps like the accountability for wind, it is accepted as part of a statistical approach that we carry out ETOPS planning for selection of alternates in zero wind. However the variations in actual diversion time due to wind can be substantial, and of course increases with increased diversion time. This reinforces the need to carry out the review proposed by the UK CAA of equipment etc for these potentially long diversion times. It may well be, that consideration of the area of operation with increasing or unlimited diversion times will need to consider the effect that upper winds may have on a long diversion.

With respect to UAL, a twelve month sample of weather reports is not in our opinion anywhere near enough to formulate other than a simplistic view on weather

conditions over a given route. Weather cycles tend to be over longer periods, something like 5 to7 years.

With respect to Boeing designs for early ETOPS there often seems to be an over estimation of capability. For example, the electrical system is very capable, but the back up generators can at best, only be considered a single system because the converter is a single system regardless of how many engine-driven, frequency-wild items are operating. The batteries are of such small capacity, they are no more or less effective than on any other types. This is not to decry Boeing's design, but merely to emphasise that the 777 capable as it may be, has limitations very similar to other ETOPS twins in certain respects.

With respect to the area of operation, this should and must be clearly defined such that the intent of the proposal is not misconstrued as a carte blanche for universal 207 minutes ETOPS. It has certainly been presented as such in the aviation press with quoted 207 minutes ETOPS out of the box for the B777 X series. This latter proposal flies in the face of the FAA's platitudes that 207 will be restricted to the North Pacific, and only for existing 180-minute routes. Given the fairly substantial changes to the engine ratings alone, this poses an interesting series of questions in itself. The impression given was that other operators could also operate to 207 minutes after purchasing the type from new, even if no others of any variant were in their fleet. This does show how easy it would be for the FAA's intentions to be misinterpreted, and misapplied.

We feel strongly that in the age of freedom of information etc, that the claims of proprietary needs for secrecy in the technical analysis and risk assumptions are overplayed. Protection to proprietary issues needs to be balanced with the fact that a public endorsement is being given via a type certificate or approval. There certainly needs to be a degree of openness to the public over at least how things are done and perhaps at least the issues discussed and how problems resolved. Given the consolidation within airframe manufacturing, this need is perhaps greater than before if the process is to be held in respect.

The harmonisation process is essential if the industry is to go forward on the euphemistic "level playing field". To ignore the possible impact of any proposal in such a sensitive area is unwise. That it may be felt that there may not be time to accommodate a fully harmonised approach due to the time scales of international process is understood and sympathised with. Thus we do understand the desire to proceed on a national basis. However, sales of the 777 are international and foreign carriers may well be operating the same city pairs with the same equipment. Thus, it is highly probable that a foreign regulator will be pressured into "keeping up " with the FAA. In this way, 207 minutes will possibly spread in an uncoordinated fashion world wide, despite the best intentions of the FAA with this legislation. The FAA must make it clear that this is intended as a short-term solution with a clear end date, no grandfather rights and a well-defined expeditious process to achieve a permanent harmonised and internationally accepted solution.

There must also be a definite limitation on time for the current proposal. From the outset, all must be aware that once permanent legislation and procedures have been formulated, there must be a notice of withdrawal of these temporary procedures. There must be no opportunity for the claiming of grandfather rights issues to hamper both the rapid implementations of permanent national procedures, but also future international harmonisation efforts. The formulation and compliance with permanent legislation should have an established time scale.

We support the ALPA view that there should be a group to ensure compliance with the intent as well as the letter of the proposal. Such a group would ensure that this compliance and intent would occur, by monthly monitoring of operations, a proposal currently rejected by the FAA.

Regarding the ARAC W/G and it's development of LROPS/ETOPS standards, we request that they be required to consider the world wide impact of any outcome and involve an international pilot association input from the outset of the deliberations.

The overall process towards 207 minutes approval is leading to improvements, but it is certainly commercially driven. Commercial areas have time scales much shorter than engineering and safety, let alone legislation. One must be sure that, although the paperwork (permanent legislation) has not caught up with the events, that the other items which must be fully completed before commercial use (i.e. safety issues) are fully satisfied.